
HOUSE BILL No. 1522

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1.

Synopsis: CIT training for law enforcement officers. Requires the law enforcement training academy to include crisis intervention team (CIT) training in initial training and in continuing education training. Corrects an internal reference.

Effective: July 1, 2009.

Truitt

January 14, 2009, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1522

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-1-2, AS AMENDED BY P.L.2-2007,
2 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 2. For the purposes of this chapter, and unless the
4 context clearly denotes otherwise, the following definitions apply
5 throughout this chapter:

6 (1) "Law enforcement officer" means an appointed officer or
7 employee hired by and on the payroll of the state, any of the
8 state's political subdivisions, or a public or private postsecondary
9 educational institution whose board of trustees has established a
10 police department under IC 21-17-5-2 or IC 21-39-4-2 who is
11 granted lawful authority to enforce all or some of the penal laws
12 of the state of Indiana and who possesses, with respect to those
13 laws, the power to effect arrests for offenses committed in the
14 officer's or employee's presence. However, the following are
15 expressly excluded from the term "law enforcement officer" for
16 the purposes of this chapter:

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- 1 (B) A special officer whose powers and duties are described
 2 in IC 36-8-3-7 or a special deputy whose powers and duties are
 3 described in IC 36-8-10-10.6.
 4 (C) A county police reserve officer who receives compensation
 5 for lake patrol duties under IC 36-8-3-20(f)(4).
 6 (D) A conservation reserve officer who receives compensation
 7 for lake patrol duties under IC 14-9-8-27.
 8 (E) An employee of the gaming commission whose powers
 9 and duties are described in IC 4-32.2-9.
 10 (2) "Board" means the law enforcement training board created by
 11 this chapter.
 12 (3) "Advisory council" means the law enforcement advisory
 13 council created by this chapter.
 14 (4) "Executive training program" means the police chief executive
 15 training program developed by the board under section 9 of this
 16 chapter.
 17 (5) "Law enforcement training council" means one (1) of the
 18 confederations of law enforcement agencies recognized by the
 19 board and organized for the sole purpose of sharing training,
 20 instructors, and related resources.
 21 (6) "Training regarding the lawful use of force" includes
 22 classroom and skills training in the proper application of hand to
 23 hand defensive tactics, use of firearms, and other methods of:
 24 (A) overcoming unlawful resistance; or
 25 (B) countering other action that threatens the safety of the
 26 public or a law enforcement officer.
 27 (7) "Hiring or appointing authority" means:
 28 (A) the chief executive officer, board, or other entity of a
 29 police department or agency with authority to appoint and hire
 30 law enforcement officers; or
 31 (B) the governor, mayor, board, or other entity with the
 32 authority to appoint a chief executive officer of a police
 33 department or agency.
 34 **(8) "Crisis intervention team" refers to a program that**
 35 **provides law enforcement officers with training on**
 36 **de-escalation and crisis intervention techniques to facilitate**
 37 **interaction with persons with mental illness and addictive**
 38 **disorders.**
 39 SECTION 2. IC 5-2-1-9, AS AMENDED BY P.L.128-2008,
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2009]: Sec. 9. (a) The board shall adopt in accordance with
 42 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.

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The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

(1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.

(2) Minimum standards for law enforcement training schools administered by towns, cities, counties, law enforcement training centers, agencies, or departments of the state.

(3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness that must be required for each person accepted for training at a law enforcement training school or academy.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons approved by the secretary of family and social services and the board. **The training must include crisis intervention team training.**

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The

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course must cover the following topics:

- (A) Examination of the human and sexual trafficking laws (IC 35-42-3.5).
- (B) Identification of human and sexual trafficking.
- (C) Communicating with traumatized persons.
- (D) Therapeutically appropriate investigative techniques.
- (E) Collaboration with federal law enforcement officials.
- (F) Rights of and protections afforded to victims.
- (G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B) requirements established under federal law.
- (H) The availability of community resources to assist human and sexual trafficking victims.

(b) Except as provided in subsection (l), a law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), (l), (r), and (s), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

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(e) This subsection does not apply to:

(1) a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or

(2) an:

(A) attorney; or

(B) investigator;

designated by the securities commissioner as a police officer of the state under ~~IC 23-2-1-15(i)~~. **IC 23-19-6-1(i)**.

Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under IC 4-22-2 to establish a pre-basic course for the purpose of training:

(1) law enforcement officers;

(2) police reserve officers (as described in IC 36-8-3-20); and

(3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, the lawful use of force, and the operation of an emergency vehicle. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of at least forty (40) hours of course work. The board may prepare the classroom part of the pre-basic course using available technology in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including postsecondary educational institutions.

(g) The board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers. After June 30, 1993, a law enforcement officer who has satisfactorily completed basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes the mandatory inservice training requirements established by rules adopted by the board. Inservice training must include training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons

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approved by the secretary of family and social services and the board, and training concerning human and sexual trafficking. **The mental illness, addictive disorders, mental retardation, and developmental disabilities training must include crisis intervention team training.** The board may approve courses offered by other public or private training entities, including postsecondary educational institutions, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to either of the following:

- (1) An emergency situation.
- (2) The unavailability of courses.

(h) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

- (1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.
- (2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.
- (3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having not more than one (1) marshal and two (2) deputies.
- (4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.
- (5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

(i) The board shall adopt rules under IC 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Lawful use of force.
- (7) Department programs.
- (8) Emergency vehicle operation.

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1 (9) Cultural diversity.

2 (j) A police chief shall apply for admission to the executive training
3 program within two (2) months of the date the police chief initially
4 takes office. A police chief must successfully complete the executive
5 training program within six (6) months of the date the police chief
6 initially takes office. However, if space in the executive training
7 program is not available at a time that will allow completion of the
8 executive training program within six (6) months of the date the police
9 chief initially takes office, the police chief must successfully complete
10 the next available executive training program that is offered after the
11 police chief initially takes office.

12 (k) A police chief who fails to comply with subsection (j) may not
13 continue to serve as the police chief until completion of the executive
14 training program. For the purposes of this subsection and subsection
15 (j), "police chief" refers to:

- 16 (1) the police chief of any city;
- 17 (2) the police chief of any town having a metropolitan police
- 18 department; and
- 19 (3) the chief of a consolidated law enforcement department
- 20 established under IC 36-3-1-5.1.

21 A town marshal is not considered to be a police chief for these
22 purposes, but a town marshal may enroll in the executive training
23 program.

24 (l) A fire investigator in the division of fire and building safety
25 appointed after December 31, 1993, is required to comply with the
26 basic training standards established under this chapter.

27 (m) The board shall adopt rules under IC 4-22-2 to establish a
28 program to certify handgun safety courses, including courses offered
29 in the private sector, that meet standards approved by the board for
30 training probation officers in handgun safety as required by
31 IC 11-13-1-3.5(3).

32 (n) The board shall adopt rules under IC 4-22-2 to establish a
33 refresher course for an officer who:

- 34 (1) is hired by an Indiana law enforcement department or agency
- 35 as a law enforcement officer;
- 36 (2) has not been employed as a law enforcement officer for at
- 37 least two (2) years and less than six (6) years before the officer is
- 38 hired under subdivision (1) due to the officer's resignation or
- 39 retirement; and
- 40 (3) completed at any time a basic training course certified by the
- 41 board before the officer is hired under subdivision (1).

42 (o) The board shall adopt rules under IC 4-22-2 to establish a

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refresher course for an officer who:

- (1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;
- (2) has not been employed as a law enforcement officer for at least six (6) years and less than ten (10) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement;
- (3) is hired under subdivision (1) in an upper level policymaking position; and
- (4) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

A refresher course established under this subsection may not exceed one hundred twenty (120) hours of course work. All credit hours received for successfully completing the police chief executive training program under subsection (i) shall be applied toward the refresher course credit hour requirements.

(p) Subject to subsection (q), an officer to whom subsection (n) or (o) applies must successfully complete the refresher course described in subsection (n) or (o) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

- (1) arrest;
- (2) search; and
- (3) seizure.

(q) A law enforcement officer who has worked as a law enforcement officer for less than twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) is not eligible to attend the refresher course described in subsection (n) or (o) and must repeat the full basic training course to regain law enforcement powers. However, a law enforcement officer who has worked as a law enforcement officer for at least twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) and who otherwise satisfies the requirements of subsection (n) or (o) is not required to repeat the full basic training course to regain law enforcement power but shall attend the refresher course described in subsection (n) or (o) and the pre-basic training course established under subsection (f).

(r) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

- (1) the agent successfully completes the pre-basic course established in subsection (f); and
- (2) the agent successfully completes any other training courses

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established by the Indiana gaming commission in conjunction with the board.

(s) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

(1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and

(2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

(t) As used in this section, "upper level policymaking position" refers to the following:

(1) If the authorized size of the department or town marshal system is not more than ten (10) members, the term refers to the position held by the police chief or town marshal.

(2) If the authorized size of the department or town marshal system is more than ten (10) members but less than fifty-one (51) members, the term refers to:

(A) the position held by the police chief or town marshal; and

(B) each position held by the members of the police department or town marshal system in the next rank and pay grade immediately below the police chief or town marshal.

(3) If the authorized size of the department or town marshal system is more than fifty (50) members, the term refers to:

(A) the position held by the police chief or town marshal; and

(B) each position held by the members of the police department or town marshal system in the next two (2) ranks and pay grades immediately below the police chief or town marshal.

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